

REMARKS

Applicants submit this Amendment, accompanied by an Appendix to Amendment and a Supplemental Information Disclosure Statement Under 37 C.F.R. § 1.97(c), in response to the Office Action mailed November 5, 2002.

In this Amendment, Applicants amend the specification. Applicants also amend claims 31, 32, 44, 54, and 58 to more appropriately define the claimed invention and to improve clarity. Additionally, Applicants amend claims 33 and 35 to change claim dependency.

The originally-filed specification, claims, abstract, and drawings fully support the amendments to the specification and claims 31-33, 35, 44, 54, and 58. No new matter was introduced.

Before entry of this Amendment, claims 31-60 were pending in this application. After entry of this Amendment, claims 31-60 remain pending in this application.

In the Office Action, the Examiner requested evidence that the parent PCT application was copending with the present application; objected to a cross-reference to a foreign application in the specification; objected to claim 32 under 37 C.F.R. § 1.75(c), and rejected claims 31-35 and 58 under 35 U.S.C. § 112, ¶ 2.

Further, the Examiner stated that claims 31-35 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. § 112, ¶ 2. Finally, the Examiner stated that claim 58 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, ¶ 2, including all of the limitations of the base claim and any intervening claims.

Applicants respectfully traverse the Examiner's rejections.

Allowable Claims

Applicants gratefully acknowledge the Examiner's statement that claims 31-35 and 58 would be allowable if rewritten or amended.

Traverse of Restriction Requirement

Applicants did not traverse the restriction requirement "on the ground(s) that [there] is no burden." Office Action, p. 2, § 1 (emphasis added). Instead, Applicants traversed on the grounds that "the search and examination of this entire application can be made without serious burden." Response to Restriction Requirement, p. 2/11. 7-8 (emphasis added). And, Applicants point out that M.P.E.P. 803 states, "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). Applicants note that the Examiner has not even alleged that the search and examination of the entire application would pose a serious burden.

As a result, Applicants submit that the restriction requirement is improper and should be withdrawn.

Chapter II

Applicants submit a copy of page 6760 of Section II of the PCT Gazette dated April 19, 2001. This page, also available at <http://pctgazette.wipo.int/pdf/162001-2.pdf>, indicates that a Demand for International Preliminary Examination was filed prior to the expiration of nineteen (19) months from the priority date in the case of International Patent Application No. PCT/EP00/06357.

Applicants submit that this provides evidence that Chapter II was requested in order to maintain pendency of the parent application thirty (30) months from the foreign-priority date.

Foreign Priority

Applicants delete the reference to the foreign-priority document from the specification. Applicants reemphasize, however, that Applicants still claim the right of priority under 35 U.S.C. § 119(a) - (d) based on European Patent Application No. 99202260.8, filed July 9, 1999, in the European Patent Office.

Claim Objection

Applicants amend claim 32 to recite “the hardness of the underlayer does not vary or varies by less than 5 IRHD over a temperature range between 23°C and 100°C.” Applicants submit that this amended language obviates the Examiner’s rejection of claim 32 under 37 C.F.R. § 1.75(c).

35 U.S.C. § 112, ¶ 2 Rejections

Applicants amend claim 31 to recite “a hardness of the underlayer does not vary by more than 5 International Rubber Hardness Degrees (IRHD) over a temperature range between 23°C and 100°C.” Applicants also amend claim 58 to place it in independent form and to recite, in part, “a hardness of the thermostable compound does not vary by more than 5 IRHD over a temperature range between 23°C and 100°C.”

Applicants submit that this amended language obviates the Examiner’s rejections under 35 U.S.C. § 112, ¶ 2.

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Claim Scope

In discussing the specification, claims, abstract, and drawings in this Amendment, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants believe that Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Summary

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this Application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: March 26, 2003

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APPENDIX TO AMENDMENT

Amendments to the Specification

Please amend the specification, as follows:

Page 1, amend the first paragraph, as follows:

This application is a continuation [application] of International Application No. PCT/EP00/06357, filed July 4, 2000, in the European Patent Office, the contents of which are relied upon and incorporated herein by reference; additionally, [Applicant claims the right of priority under 35 U.S.C. § 119(a) - (d) based on patent application No. 99202260.8, filed July 9, 1999, in the European Patent Office; further,] Applicants claim[s] the benefit under 35 U.S.C. § 119(e) based on prior-filed, copending provisional application No. 60/145,976, filed July 29, 1999, in the U.S. Patent and Trademark Office.

Page 4, lines 7-11, amend the paragraph, as follows:

These resins may be either in the form of two components or in the precondensed form, while preferred methylene donors include hexamethoxymethyl[ene]melamine (HMMM) or hexamethylenetetramine (HMT); the Applicant has found, however, that other methylene donors and other types of hardening resins may be used.

Page 4, line 18, amend the section heading, as follows:

DETAILED DESCRIPTION OF THE [PREFERRED] EXEMPLARY EMBODIMENTS

Amendments to the Claims

Please amend claims 31-33, 35, 44, 54, and 58, as follows:

31. (once amended) A high performance tyre, comprising:

a carcass provided with at least one carcass ply;

a belt comprising two or more layers of reinforcing cords parallel to each other in a layer and crossed with respect to those of an adjacent layer, applied circumferentially on the carcass;

a radially-external layer of circumferentially-oriented reinforcing cords applied on the belt; and

a tread band comprising an underlayer and an external layer;

wherein [the underlayer has] a hardness [which is substantially constant] of the underlayer does not vary by more than 5 International Rubber Hardness Degrees (IRHD) over a temperature range between 23°C and 100°C.

32. (once amended) The tyre of claim 31, wherein the hardness of the underlayer does not vary [by more] or varies by less than 5 [International Rubber Hardness Degrees (IRHD)] over a temperature range between 23°C and 100°C.

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33. (once amended) The tyre of claim [32]31, wherein the hardness of the underlayer does not vary by more than 1 IRHD over a temperature range between 23°C and 100°C.

35. (once amended) The tyre of claim [34]31, wherein the hardness of the underlayer is greater than 85 IRHD at 100°C.

44. (once amended) The tyre of claim 43, wherein the methylene donors are hexamethoxymethyl[ene]melamine (HMMM) or hexamethylenetetramine (HMT).

54. (once amended) A high performance tyre, comprising:

a carcass provided with at least one carcass ply;

a belt comprising two or more layers of reinforcing cords parallel to each other in a layer and crossed with respect to those of the adjacent layer, applied circumferentially on the carcass;

a radially-external layer of circumferentially-oriented reinforcing cords applied on the belt; and

a tread band comprising an underlayer and an external layer;

wherein the underlayer has [a hardness and] an elastic modulus which remains substantially constant between 70°C and 100°C, and

wherein the underlayer has a hardness that does not vary by more than 5 IRHD over a temperature range between 70°C and 100°C.

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58. (once amended) [The] A method [of claim 55] for improving behaviour at high speeds of a high-performance tyre, the tyre comprising:

a carcass provided with at least one carcass ply;

a belt comprising two or more layers of reinforcing cords parallel to each other in a layer and crossed with respect to those of an adjacent layer, applied circumferentially on the carcass; and

a radially-external layer of circumferentially-oriented reinforcing cords applied on the belt;

the method comprising:

mounting on a periphery of the radially-external layer a tread band comprising an underlayer and an external layer;

wherein the underlayer comprises a thermostable compound, and

wherein a hardness of the thermostable compound [has a hardness which is substantially constant] does not vary by more than 5 IRHD over a temperature range between 23°C and 100°C.

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